

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DATE: August 15, 2013

LEONARD DAVIS
Judge Presiding

Chief Staff Attorney: Gabrielle LaHatte

Court Reporter: Shea Sloan
Courtroom Administrator: Rosa Ferguson

VIRNETX INC. V. APPLE INC.	CIVIL ACTION NO: 6:13-CV-211 MOTION HEARING
ATTORNEYS FOR PLAINTIFFS	ATTORNEYS FOR DEFENDANTS
SEE SIGN-IN SHEETS	

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 1:30 pm

ADJOURN: 3:10 pm

TIME:	MINUTES:
1:30 pm	Case called. PARTIES ANNOUNCED READY. (SEE SIGN-IN SHEETS)
	Court addressed the parties and will hear from the plaintiffs on the on-going royalty.
	Mr. Cassidy addressed the Court and presented the on-going royalty issues. [Plaintiff's Request for an Ongoing Royalty – Dkt #10]
	Court inquired of Mr. Williams if the 3 issues outlined by Mr. Cassidy are not contested. Mr. Williams responded and not entirely correct. Mr. Williams addressed the Court on the iPhone 5. On the 2 nd point, the items that were found to be infringing and non-adjudicated products should be left in the other case. On the 3 rd point, only deal with the products that were adjudicated.
	Mr. Cassidy replied as to the non-adjudicated products, iPhone 5, iPad and the iPad mini. Mr. Williams responded. Mr. Cassidy further replied. Court asked parties to meet and confer. Court inquired if the iPhone 5 functionality from what was presented at trial. Mr. Cassidy responded.
	Mr. Cassidy continued with the presentation of the motion. Court asked Mr. Cassidy to write down the rate for Avaya, show it to opposing counsel and tender to the Clerk. This will keep us from sealing the courtroom. Document tendered to the Court. Mr. Cassidy continued with his argument.
	Mr. Williams responded. Court inquired as to the changed circumstances. Mr. Williams responded. Court inquired of non-infringing alternatives. Mr. Williams responded and continued his arguments. Mr. Williams tendered documents to the Court.
	Court marked document that Mr. Cassidy tendered, as Plaintiff's Exhibit 1 and Mr. Williams'

TIME:	MINUTES:
	document as Defendant's Exhibit #2 (Note: There was no Dft's Exh #1). And ordered these documents sealed.
	Mr. Williams continued to address the Court.
	Mr. Cassady replied. Mr. Cassady tendered an additional document on projections to the Court. Court marked as Plaintiff's Exhibit #2 . Mr. Williams asked to submit a brief supplement. Court asked that it be filed within 5 days.
	Mr. Cassady further addressed the Court.
	Mr. Williams further addressed the Court.
3:10 pm	There being nothing further, Court adjourned.